

EXHIBIT "C"

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COPY

SEA STAR LINE, LLC, a)
limited liability company,)

Plaintiff,)

C.A. No. 05-CV-245-JJF

v.)

EMERALD EQUIPMENT LEASING)
INC, a corporation,)

Defendant.)

v.)

SEA STAR LINE, LLC.,)

Counterclaim Defendant.)

Thursday, December 20, 2007
10:00 a.m.
Courtroom 2A

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE LEONARD P. STARK
United States District Court Magistrate

APPEARANCES:

SMITH, KATENSTEIN & FURLOW, LLP
BY: KATHLEEN M. MILLER, ESQ.

-and-

ARMSTRONG & MEJER, P.A.
BY: TIMOTHY J. ARMSTRONG, ESQ.

Counsel for the Plaintiff

Hawkins Reporting Service
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1 MR. ARMSTRONG: Thank you.

2 THE COURT: Thank you.

3 All right. We'll, again, let's move
4 onto specifically if I find that you've passed
5 the Baxter test, where does that leave us on what
6 I would then be ordering Sea Star to do?

7 MR. MOLDOFF: Let me start first
8 with the three limited requests that I had put
9 into, I think, my reply and into the proposed
10 order, because they really probably relate also
11 to some of the requests, in any event.

12 As I indicated previously, the
13 customer information only gives us containers.
14 And my client believes that documents that will
15 give us both containers and chassises -- and
16 there are a lot of chassises involved -- would be
17 even more helpful.

18 So the first of the limited requests
19 is to ask Sea Star to produce invoices or other
20 similar documents between Sea Star and trucking
21 companies which they used for the movement of the
22 containers to or from Baxter.

23 And I specifically state that these
24 bills, that these invoices, I guess I should say,

1 should not just pertain to the specific Emerald
2 equipment, but to all equipment. And the reason
3 is that just because it's an Emerald container
4 doesn't mean that it needs an Emerald chassis.
5 It could be somebody else's container, and you
6 can use an Emerald chassis to move it.

7 So, you know, we received all this
8 information about all the various containers that
9 were involved with the movement of Baxter goods.
10 We would like the invoices, which will show us
11 the invoices, which will show us the chassis by
12 which all of those containers, whether they were
13 Emerald containers or not moved. So that's the
14 first one.

15 Along the same line, in order to
16 make this manageable, my client has asked that
17 Sea Star identify its five largest trucking
18 companies by volume, meaning not by the dollar
19 amount, but by the amount of equipment moved,
20 which was used by Sea Star in the United States,
21 and three of the largest trucking companies by
22 volume used by Sea Star in Puerto Rico. And,
23 again, we would like the same information.

24 Now, in my request again, to try to

1 be reasonable and make it more manageable because
2 a lot of this movement I think occurred
3 initially. I limited it to April 29th, 2002
4 through September 30th, 2002, trying to make this
5 manageable for Sea Star, for us.

6 So that's the second request.

7 The third one is with respect to
8 stevedoring requests or invoices, and that is to
9 ask for copies of all the invoices from ET
10 Heinz. And that is a company that Sea Star used
11 as their stevedoring in the Dominican Republic,
12 as well as any other invoices from any other
13 stevedoring involved with the loading and
14 discharge or movement of containers, again in the
15 Dominican Republic, that I had -- I thought that
16 it could cover the whole period I have through
17 November 1st, 2003.

18 I think that is the last day that
19 they actually were supposed to be using the
20 equipment. After that, they were supposed to
21 return it to us.

22 But, and that's the limited request.
23 That really takes care of the document requests,
24 except for number five, which is somewhat